

**ASSEMBLY BILL**

**No. 837**

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**Introduced by Assembly Member Torlakson**

February 26, 2009

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An act to amend Section 51746.5 of, and to add Section 46300.8 to, the Education Code, relating to school attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 837, as introduced, Torlakson. School attendance: online education.

(1) Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apportions funds to local educational agencies based on the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.

This bill would provide that school districts, county offices of education, and charter schools that offer online education courses may claim a percentage of average daily attendance based on the percentage of the schoolday that a pupil taking at least one online course spends in a classroom-based setting.

(2) Existing law requires that the ratio of average daily attendance for independent study pupils 18 years of age or less to school district or county office of education full-time equivalent certificated employees responsible for independent study not exceed specified ratios.

This bill would authorize, with respect to a pupil who is enrolled for at least the minimum schoolday through classes that include both a classroom-based setting and at least one class offered through an online program, a school district, county office of education, or charter school

to demonstrate compliance with this provision by certifying to the Superintendent of Public Instruction that at least 85% of the average daily attendance revenue generated by that pupil is expended for instructional purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 46300.8 is added to the Education Code,  
2 to read:

3 46300.8. Notwithstanding any other provision of law, in order  
4 to facilitate the access of pupils to high-quality online course  
5 offerings, when a pupil is enrolled for the minimum schoolday  
6 through classes that include both a classroom-based setting and at  
7 least one class offered through an online program, the school  
8 district, county office of education, or charter school may claim,  
9 for that pupil, a percentage of average daily attendance that is equal  
10 to the percentage of that pupil’s schoolday spent in the  
11 classroom-based setting.

12 SEC. 2. Section 51745.6 of the Education Code is amended to  
13 read:

14 51745.6. (a) The ratio of average daily attendance for  
15 independent study pupils 18 years of age or less to school district  
16 full-time equivalent certificated employees responsible for  
17 independent study, calculated as specified by the State Department  
18 of Education, shall not exceed the equivalent ratio of pupils to  
19 full-time certificated employees for all other educational programs  
20 operated by the school district. The ratio of average daily  
21 attendance for independent study pupils 18 years of age or less to  
22 county office of education full-time equivalent certificated  
23 employees responsible for independent study, to be calculated in  
24 a manner prescribed by the State Department of Education, shall  
25 not exceed the equivalent ratio of pupils to full-time certificated  
26 employees for all other educational programs operated by the high  
27 school or unified school district with the largest average daily  
28 attendance of pupils in that county. The computation of those ratios  
29 shall be performed annually by the reporting agency at the time  
30 of, and in connection with, the second principal apportionment  
31 report to the Superintendent of Public Instruction.

1 (b) Only those units of average daily attendance for independent  
2 study that reflect a pupil-teacher ratio that does not exceed the  
3 ratio described in subdivision (a) shall be eligible for apportionment  
4 pursuant to Section 42238.5, for school districts, and Section 2558,  
5 for county offices of education. Nothing in this section shall  
6 prevent a school district or county office of education from serving  
7 additional units of average daily attendance greater than the ratio  
8 described in subdivision (a), except that those additional units shall  
9 not be funded pursuant to Section 42238.5 or Section 2558.

10 (c) The calculations performed for purposes of this section shall  
11 not include either of the following:

12 (1) The average daily attendance generated by special education  
13 pupils enrolled in special day classes on a full-time basis, or the  
14 teachers of those classes.

15 (2) The average daily attendance or teachers in necessary small  
16 schools that are eligible to receive funding pursuant to Article 4  
17 (commencing with Section 42280) of Chapter 7 of Part 24 of  
18 *Division 3*.

19 (d) The pupil-teacher ratio described in subdivision (a) in a  
20 unified school district participating in the class size reduction  
21 program pursuant to Chapter 6.10 (commencing with Section  
22 52120) may, at the school district's option, be calculated separately  
23 for kindergarten and grades 1 to 6, inclusive, and for grades 7 to  
24 12, inclusive.

25 (e) The pupils-to-certificated-employee ratio described in  
26 subdivision (a) may, in a charter school, be calculated by using a  
27 fixed pupils-to-certificated-employee ratio of 25 to one, or by being  
28 a ratio of less than 25 pupils per certificated employee. All charter  
29 school pupils, regardless of age, shall be included in  
30 pupil-to-certificated-employee ratio calculations.

31 (f) *With respect to a pupil who is enrolled for at least the*  
32 *minimum school day through classes that include both a*  
33 *classroom-based setting and at least one class offered through an*  
34 *online program, a school district, county office of education, or*  
35 *charter school may demonstrate compliance with this section by*  
36 *certifying to the Superintendent that at least 85 percent of the*  
37 *average daily attendance revenue generated by that pupil is*  
38 *expended for instructional purposes.*

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